UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., Suite 100
KING OF PRUSSIA, PA 19406-2713

January 9, 2018

EA-17-198

Mr. Peter Sena, III
President and Chief Nuclear Officer
PSEG Nuclear LLC – N09
P.O. Box 236
Hancocks Bridge, NJ 08038

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO DISPUTED NOTICE OF NON-CITED VIOLATION 05000272/2017003-02

Dear Mr. Sena:

I am writing to acknowledge receipt of PSEG's letter dated December 14, 2017, in response to the U.S. Nuclear Regulatory Commission (NRC) Inspection Report 05000272/2017003 and 05000311/2017003 issued on November 14, 2017 (ML17319A152)[1].

The letter requests withdrawal of the Salem Generating Station (Salem) Unit 1 technical specification (TS) limiting condition for operation (LCO) 3.6.1.1 Green non-cited violation (NCV 05000272/2017003-02) that was issued because PSEG did not ensure that the air particulate detector (APD) backup containment isolation valves (CIV), associated with penetrations required to be closed during accident conditions, were unisolated intermittently under appropriate administrative controls. The letter stated that the administrative controls that PSEG had put in place to govern the open remote manual CIVs were adequate. Attachment 1 to the letter also raises two additional considerations of prosecuting this NCV related to unintended safety consequences and backfit concerns. The NRC intends to review PSEG's response and provide you a letter documenting the basis for any decision relative to the disputed NCV within approximately 90 days.

We noted that the PSEG letter also stated that during the pendency of the NRC review of the appeal of the NCV, PSEG Nuclear indicated that it intended to toll the timing related to submission of a licensee event report (LER) as may be required under 10 CFR 50.73(a)(2)(i)(B). As it wasn't necessarily clear to NRC Region I that PSEG Nuclear possesses the authority, upon its own accord, to toll the required timing of a LER required under 10 CFR 50.73(a)(2)(i)(B), Region I communicated this to PSEG. In response, during a telephone conversation on January 8, 2018, Mr. C. McFeaters, Salem Site Vice President, informed Mr. D. Pelton, Acting Director, NRC Region I, Division of Reactor Projects that PSEG no longer intends to toll the timing related to submission of a LER. Hence, the NRC now considers the proposal to toll withdrawn and moot.

[1] Designation refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS at https://adams.nrc.gov/wba/ For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if any) will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC's website at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Your letter has also been added to ADAMS for the information of the public, and may be found under ADAMS Accession Number ML17348A477. Inspection Report 05000272/2017003 and 05000311/2017003 may be found under ADAMS Accession Number ML17319A152.

Should you have any questions concerning this letter, please contact me at (610) 337-5200.

Sincerely,

/RA/

Fred L Bower, Chief
Projects Branch 3
Division of Reactor Projects

Docket No. 50-272
License No. DPR-70

cc: 2017-SST-1261 and 2017-SST-1271
Distribution via ListServ

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO DISPUTED NOTICE OF NON-CITED VIOLATION 05000272/2017003-02 DATED JANUARY 9, 2018

DISTRIBUTION: (via email)
DLew, DRA
DCollins, DRA
RLorson, DRP
DPelton, DRP
MGray, DRP
JYerokun, DRS
BWelling, DRS
BKlukan, RC
BBickett, ORA, AET
FBower, DRP
RBarkley, DRP
MDraxton, DRP
PFinney, DRP, SRI
AZiedonis, DRP, RI
FArner, DRS
GBarber, DRP
COtt, DRP, AA
JBowen, RI OEDO
RidsNrrPMSalem Resource
RidsNrrDorlLpl1 Resource

DOC NAME: \\nrc.gov\nrc\R1\Office\DRP\BRANCH3\Enforcement\Salem APD Violation Challenge\Salem Disputed APD NCV Ack Letter_Final.docx
ADAMS Accession No. ML18009A953

☑ SUNSI Review		☑ Non-Sensitive ☐ Sensitive		☑ Publicly Available ☐ Non-Publicly Available	
OFFICE	RI/DRS	RI/ORA/AET		RI/RC	RI/DRP
NAME	FArner	BBickett		BKlukan	FBower
DATE	01/09/18	01/09/18		01/09/18	01/09/18

OFFICIAL RECORD COPY